

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

EUGENE J. FIEDLER,

Plaintiff,

v.

STATE OF NEBRASKA DEPARTMENT  
OF ROADS, et al.,

Defendants.

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4:08CV3144

ORDER

This matter is before the court following a telephone conference with the parties on May 5, 2011. The plaintiff participated pro se and the defendants were represented by Jennifer A. Huxoll. The plaintiff's previous counsel was given leave to withdraw and the plaintiff had an opportunity to secure substitute counsel. However, no new counsel has entered an appearance. The defendants have filed a motion for a motion for summary judgment ([Filing No. 144](#)). Accordingly,

**IT IS ORDERED:**

1. The plaintiff shall have until **May 31, 2011**, in which to file a response to the defendants' motion for summary judgment, in accordance with Fed. R. Civ. P. 56 and NECivR 7.1 and 56.1. The defendants shall have **ten business days** thereafter to file a reply.
2. The deadlines and trial setting in the December 7, 2010, progression order ([Filing No. 133](#)) are canceled and will be established by the court following resolution of the defendants' motion for summary judgment.
3. The Clerk of Court shall reassign this case to the pro se docket in accordance with General Order No. 2007-13.
4. The Clerk of Court shall send a copy of this order to the plaintiff at:

Eugene J. Fiedler  
2450 County Road F  
Weston, NE 68070

DATED this 5th day of May, 2011.

BY THE COURT:  
s/ Thomas D. Thalken  
United States Magistrate Judge